

REMARKS

Claims 1-20 were originally filed in the present application.

Claims 21-35 were previously added.

Claims 1, 7, 9, 16, 17 and 22-35 were previously cancelled.

Claims 2-8, 10-15 and 18-21 are pending in the present application.

Claims 2-8, 10-15 and 18-21 were rejected in the September 14, 2005 Office Action.

No claims have been allowed.

Claims 2-8, 10-15 and 18-21 are cancelled herein.

Claims 36-55 are added herein.

Claims 36-55 remain in the present application. Reconsideration of the claims is respectfully requested.

In Section 2 of the September 14, 2005 Office Action, the Examiner objected to the drawings for failing to show every feature of the invention specified in the claims. Specifically, the Examiner asserted that the first controller and second controller recited in the claims are not shown. The Applicant draws the Examiner's attention to Figure 3, which shows a CDMA architecture according to one embodiment. The Applicant particularly directs the Examiner's attention to SDU control 314 and SDU control 351. SDU control 351 is described in the Specification at page 18, line 8, as controlling the overall operation of SDU 350. The term "controller" is defined in the Specification beginning at page 7, line 21. Thus, the Applicant respectfully submits that SDU control 351 shows the second controller recited in the claims of the present application. SDU control 314 similarly

controls the overall operation of SDU 310. The Applicant submits that SDU control 314 shows the first controller recited in the claims of the present application. Therefore, the Applicant respectfully requests the withdrawal of the objection to the drawings for failing to show every feature of the invention specified in the claims.

The Examiner also objected to the drawings as failing to comply with 37 C.F.R. §1.84(p)(4) “because reference characters 300, 310 and 350 have both been used to designate SDU.” *September 14, 2005 Office Action, Section 2, second paragraph*. The cited Rule requires that “[t]he same part of an invention appearing in more than one view of the drawing must always be designated by the same reference character, and the same reference character must never be used to designate different parts.” Because the cited reference characters all appear in the same view of the drawing (Figure 3) and none of the cited reference characters is used to designate more than one part, the nature of the drawing’s failure to comply with 37 C.F.R. §1.84(p)(4) is unclear to the Applicant.

Nonetheless, the Applicant respectfully traverses the objection that reference characters 300, 310 and 350 are all used to designate SDU. With regard to reference character 300, the Applicant submits that the reference character actually is used consistently to refer only to the exemplary CDMA architecture illustrated in Figure 3. The reference characters 201, 310 and 350 are used to refer to a prior art selection and distribution unit (201) in Figure 2 and to separate partitions (310 and 350) of a partitioned selection and distribution unit according to an embodiment of the present disclosure in Figure 3. Thus, the Specification neither refers to the same part of the invention by different reference characters nor uses the same reference character to designate different parts of the

invention. As such, the Applicant respectfully submits that the drawings are in compliance with 37 C.F.R. §1.84(p)(4) and requests the withdrawal of the objection to the drawings.

In Section 3 of the September 14, 2005 Office Action, Claims 2-8, 10-15 and 18-21 were rejected under 35 U.S.C. §112, first paragraph, as adding new matter and failing to comply with the written description requirement. Specifically, the Examiner found the phrase “physical layer control functions” to be new matter not described in the specification in such a way as to convey that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner also rejected Claims 10-15 under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner cited incorrect claim dependencies and improper antecedent basis.

In response, the Applicant has canceled the pending claims of the application and herewith submits new claims that particularly point out and distinctly claim the subject matter of the Applicant’s invention. The phrase “physical layer control functions” has been removed from the new claims and the incorrect claim dependencies and improper antecedent basis have been corrected. The Applicant submits that the new claims recite limitations analogous to the cancelled claims and that no new matter is introduced. The Applicant respectfully requests entry and examination of the new claims.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@davismunck.com*.

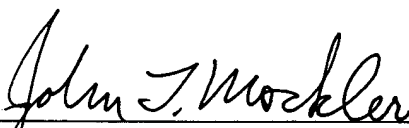
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date: 5 Dec, 2005

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